

Before the
Federal Communications Commission
Washington, D.C. 20554

AUG 1 3 42 PM '65

In the Matter of

Amendment of Section 73.202(b),
FM Table of Allotments,
FM Broadcast Stations.
(Alzheimer, Arkansas)

Reclassification of License of Station KURB(FM), Little Rock, Arkansas

MB Docket No. 05-81
RM-I 1102

REPORT AND ORDER
(Proceeding Terminated)

Adopted: **July 27, 2005**

Released: July 29, 2005

By the Assistant Chief, Audio Division, Media Bureau:

1. The Audio Division has before it a *Notice of Proposed Rule Making* (“Notice”) issued at the request of Charles Crawford (“Petitioner”), seeking to amend the FM Table of Allotments by allotting Channel 251C3 at Altheimer, Arkansas, as that community’s first local aural transmission service. To accommodate the proposed Altheimer allotment, Station KURB(FM), Little Rock, Arkansas, must specify operation on Channel 253C0 because it is operating at below minimum Class C facilities.” Petitioner filed comments in support of its proposal, pledging to file the necessary applications. No other comments or counterproposals were filed.

2. Background. The *Notice* proposed the allotment of Channel 251C3 at Altheimer, Arkansas, as its first local aural transmission service. To accommodate the proposed Altheimer allotment, Petitioner requested the reclassification of the license for Station KURB(FM), Little Rock, Arkansas, to specify operation on Channel 253C0 in lieu of Channel 253C.³ Petitioner certified, as required, that no other Class C3 channels are available for allotment at Altheimer! We issued an ***Order to Show Cause*** to Citadel Broadcasting Company, licensee of Station KURB(FM), affording it 30 days to express in writing an intention to seek authority to upgrade its technical facilities to preserve Class C status, or otherwise challenge the proposed **action**.⁵ No response was received from Citadel. In response to the *Notice*, Petitioner filed comments stating that it would file the necessary application to implement the proposed Calhoun allotment, if allotted.

¹ *Alzheimer, Arkansas. KURB(FM), Little Rock, Arkansas*, 20 FCC Red 4357 (2005).

² See 1998 Biennial Regulatory Review—Streamlining of Radio Technical Rules in Parts 73 and 74 of the Commission's Rules, 15 FCC Rcd 21,649 (2000).

Station KURB(FM) currently operates on Channel 253C with an effective radiated power (“ERP”) of 100 kilowatts (“kW”) at 392 meters height above average terrain (HAAT), which is below the minimum Class C antenna height of greater than 450 meters HAAT with 100kW ERP. The distance between the required site for requested Channel 251C3 at Altheimer and the license site of Station KURB(FM) is 88.6 kilometers, which is less than the required minimum distance separation of 96 kilometers.

⁴ See 47 C.F.R. §§ 73.3573, n. 4 and 1.420(g), n.2. See also *Second Report and Order*, 15 FCC Rcd at 21,662, ¶ 26.

⁶ See *In Re Reclassification of License of Station KURB(FM), Little Rock, Arkansas*. FCC Rcd (MB 2004).

3. **Discussion.** Based on the foregoing, we believe that the public interest will be served by allotting Channel 251C3 to Altheimer because it would provide the community with its first local aural transmission service. Therefore, in accordance with the Commission's reclassification procedures noted above, we are reclassifying the license of Station KURB(FM) to specify operation on Channel 253C0 in lieu of Channel 253C at Little Rock, Arkansas.

4. As discussed in the *Notice*, Altheimer is a community for allotment purposes. Altheimer is an incorporated city with an elected mayor. It has a 2000 U.S. Census population of 1,192 persons and its own post office. Petitioner also states that Altheimer has its own schools, city offices, volunteer fire department, police department, and many churches.

5. Channel 251C3 at Altheimer can be allotted consistent with the minimum distance separation requirements of the Commission's Rules at Petitioner's requested site 20.4 kilometers (12.7 miles) southwest of the community.^{6,7}

6. The Commission will send a copy of this *Report and Order* in a report to be sent to Congress and the Government Accountability Office Pursuant to the Congressional Review Act, *see* 5 U.S.C. §801(a)(1)(A).

7. Accordingly, pursuant to the authority contained in 47 U.S.C. §§ 4(i), 5(c)(1), 303(g), and (r), and 307(b), and 47 C.F.R. §§0.61, 0.204(b) and 0.283, **IT IS ORDERED** That effective September 12, 2005, the FM Table of Allotments, 47 C.F.R. § 73.202(b) **IS AMENDED**, with respect to the communities listed below, as follows:

<u>City</u>	<u>Channel No.</u>
Altheimer, Arkansas	251C3
Little Rock, Arkansas	231C, 239C, 253C0, 258A, 279C

8. A window period for filing applications for Channel 251C3 at Altheimer will not be opened at this time. Instead, the issue of opening this allotment for auction will be addressed by the Commission in a subsequent order.

9. **IT IS FURTHER ORDERED**, That this proceeding **IS TERMINATED**.

10. For further information concerning this proceeding, contact Victoria M. McCauley, Media Bureau, (202) 418-2180.

FEDERAL COMMUNICATIONS COMMISSION

John A. Karousos
Assistant Chief
Audio Division
Media Bureau

⁶ Coordinates for Channel 251C3 at Altheimer are 34-09-00 NL and 91-56-00 WL.

⁷ As indicated above, the minimum distance separation requirements are met based on the reclassification of Station KURB(FM) to specify operation on Channel 253C0 rather than Channel 253C, at Little Rock, Arkansas, at its license coordinates 34-47-56 and WL 92-29-44.